

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

We, the inventors,

1. Name: Kevin J. KAYSER
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Post Office Address: 1242 Dean Street
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2. Name: John J. KILBANE II
Residence: Woodstock, Illinois
Post Office Address: 14706 Dogwood Lane
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declare that we have reviewed and understand the contents of the attached specification and claims and we verily believe that we are the original, first and joint inventors or discoverers of the invention or discovery in

**SYSTEM AND METHOD FOR GENE EXPRESSION IN
THERMUS STRAINS**

described and claimed in the attached specification; that we do not know and do not believe that this invention was ever known or used in the United States before our invention or discovery thereof; that to the best of our knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to our application, or patented or made the subject of an inventors' certificate in any foreign country prior to the date of our application on an application filed by ourselves or our legal representatives or assigns more than twelve months prior to our application in this country; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a); and that no application for patent or inventors' certificate on this invention or discovery has been filed by us or our legal representatives or assigns in any country foreign to the United States, except as follows:

None

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POWER OF ATTORNEY

We hereby appoint the following attorneys to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

SEND CORRESPONDENCE TO: DIRECT TELEPHONE CALLS TO:

Mark E. Fejer
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Mark E. Fejer
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PETITION

Wherefore we Pray that Letters Patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and we hereby subscribe our names to the attached specification and claims, Declaration, Power of Attorney and this Petition.

DECLARATION

The undersigned further declare that all statements made herein of their knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Kevin J. KAYSER

Date

John J. KILBANE II

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**

Docket Number
IGT-1444

Applicant or Patentee: Kevin J. KAYSER et al.

Serial or Patent No.: _____

Filed or Issued: _____

Title: SYSTEM AND METHOD FOR GENE EXPRESSION IN THERMUS STRAINS

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION	<u>Gas Technology Institute</u>
ADDRESS OF NONPROFIT ORGANIZATION	<u>1700 South Mount Prospect Road</u>
	<u>Des Plaines, Illinois 60018</u>

TYPE OF NONPROFIT ORGANIZATION:

- UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
- NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

NAME OF STATE _____
CITATION OF STATUTE _____

WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

NAME OF STATE _____
CITATION OF STATUTE _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:
 no such person, concern or organization exists.
 each such person, concern or organization is listed below:

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING	<u>Thomas C. O'Laughlin</u>
TITLE IN ORGANIZATION OF PERSON SIGNING	<u>General Counsel and Secretary</u>
ADDRESS OF PERSON SIGNING	<u>1700 South Mount Prospect Road, Des Plaines, Illinois 60018</u>
SIGNATURE	<u>Thom C. O'Laughlin</u>
DATE	<u>28 Feb 2002</u>